

Express Mail Label No. EV 331874316 US

Page 1 of 4

Docket No.  
2502187-991200

## Declaration For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### EYE-SAFE DERMATOLOGIC TREATMENT APPARATUS AND METHOD

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International

Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number) \_\_\_\_\_

(Country) \_\_\_\_\_

(Day/Month/Year Filed) \_\_\_\_\_

☐

(Number) \_\_\_\_\_

(Country) \_\_\_\_\_

(Day/Month/Year Filed) \_\_\_\_\_

☐

(Number) \_\_\_\_\_

(Country) \_\_\_\_\_

(Day/Month/Year Filed) \_\_\_\_\_

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/450,243  
(Application Serial No.)

February 25, 2003  
(Filing Date)

60/450,598  
(Application Serial No.)

February 26, 2003  
(Filing Date)

60/451,091  
(Application Serial No.)

February 28, 2003  
(Filing Date)

60/452,304  
(Application Serial No.)

March 4, 2003  
(Filing Date)

60/451,981  
(Application Serial No.)

March 4, 2003  
(Filing Date)

60/452,591  
(Application Serial No.)

March 6, 2003  
(Filing Date)

60/456,379  
(Application Serial No.)

March 20, 2003  
(Filing Date)

60/456,586  
(Application Serial No.)

March 21, 2003  
(Filing Date)

60/458,861  
(Application Serial No.)

March 27, 2003  
(Filing Date)

60/472,056  
(Application Serial No.)

May 20, 2003  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Robert E. Grove

Sole or first inventor's signature

Residence

28 Grey Eagle Court, Pleasanton, CA 94566

Citizenship

U.S.

Post Office Address

Date

2/19/04

Full name of second inventor, if any

Mark V. Weckwerth

Second inventor's signature

Residence

1368 Bordeaux St., Pleasanton, CA 94566

Citizenship

U.S.

Post Office Address

Date

2/19/04

Full name of third inventor, if any

Tobin C. Island

Third inventor's signature

Residence

955 Grosvenor Place, Oakland, CA 94610

Citizenship

U.S.

Post Office Address

Date

2/17/04

Full name of fourth inventor, if any

Fourth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address

Gray Cary/ISF13098292.1 - 2502187-991200

PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	
Filing Date	Herewith
First Named Inventor	Robert E. Grove
Title	Eye-Safe Dermatologic Treatment Apparatus and Method
Art Unit	
Examiner Name	
Attorney Docket Number	2502187-991200

I hereby appoint:

☒ Practitioners associated with the Customer Number:

29585

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

29585

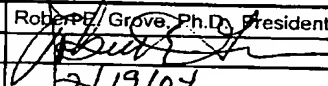
OR

<input type="checkbox"/> Firm or Individual Name	Gray Cary Ware & Freidenrich, LLP				
Address	Attn: Gerald T. Sekimura				
Address	153 Townsend Street, Suite 800				
City	San Francisco	State	CA	Zip	94107-1907
Country	USA				
Telephone	415-836-2576	Fax	415-836-2501		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
**SIGNATURE of Applicant or Assignee of Record**

Name	Robert E. Grove, Ph.D., President and CEO			
Signature				
Date	2/19/04		Telephone	(925) 847-1762

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Robert E. Grove, et al.Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: HerewithEntitled: EYE-SAFE DERMATOLOGIC TREATMENT APPARATUS AND METHOD

SpectraGenics, Inc.

(Name of Assignee)

a California corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/19/04

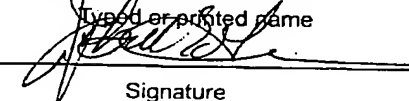
Date

(925) 847-1762

Telephone number

Robert E. Grove, Ph.D.

Typed or printed name



Signature

President and CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 2502187-991200

**ASSIGNMENT**

WHEREAS Robert E. Grove, Mark V. Weckwerth, and Tobin C. Island made certain inventions or discoveries (or both) set forth in an Application for Letters Patent of the United States of America entitled: **EYE-SAFE DERMATOLOGIC TREATMENT APPARATUS AND METHOD**

\_\_\_\_\_ issued as U.S. Patent No. \_\_\_\_\_  
\_\_\_\_\_ filed as U.S. Serial No. \_\_\_\_\_ on \_\_\_\_\_  
X filed herewith

WHEREAS, SpectraGenics, Inc., a California corporation, having a place of business at 7083 Commerce Circle, Suite I, Pleasanton, CA 94588, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, effective as of the date this document is executed, hereby, without reservation;

1. Assign, transfer and convey to Assignee the entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or any other relevant convention or treaty or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein, or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

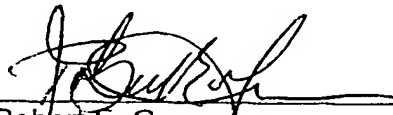
Attorney Docket No.: 2502187-991200

5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

6. Assignors hereby authorizes the Assistant Commissioner for Patent to record this Agreement.

IN WITNESS WHEREOF:

Dated this 19<sup>th</sup> day of February, 2004

  
Robert E. Grove

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

) ss.

On FEB 18, 2004 before me, Robin L. Reynaga  
Notary Public, personally appeared Robert E. Grove,

\_\_\_\_\_ personally known to me

or

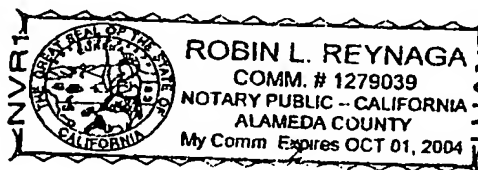
X proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

  
SIGNATURE OF NOTARY PUBLIC

(SEAL)



Gray Curry\SI\3098290.1  
2502187-991200



Attorney Docket No.: 2502187-991200

IN WITNESS WHEREOF:

Dated this 19 day of FEB, 2004Mark V. Weckwerth  
Mark V. Weckwerth

STATE OF CALIFORNIA

COUNTY OF

ALAMEDA

) ss.

On FEB 19, 2004 before me, ROBIN L REYNAGA  
Notary Public, personally appeared Mark V. Weckwerth,

\_\_\_\_\_ personally known to me

or

X

proved to me on the basis of satisfactory evidence

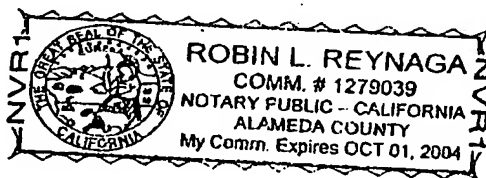
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

SIGNATURE OF NOTARY PUBLIC

Robin L Reynaga

(SEAL)



Attorney Docket No.: 2502187-991200

IN WITNESS WHEREOF:

Dated this 19 day of Feb., 2004Tobin C. Island

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

) ss.

On FEB 19 2004 before me, ROBIN L REYNAGA  
Notary Public, personally appeared Tobin C. Island,

personally known to me

or

X proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

SIGNATURE OF NOTARY PUBLIC

(SEAL)

